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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,320	08/10/2001	Hidekazu Kobayashi	110372	4783

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EXAMINER

ZIMMERMAN, GLENN

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,320

Applicant(s)

KOBAYASHI, HIDEKAZU

Examiner

Glenn Zimmerman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 4, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the search and examination could be made without serious burden MPEP 803. This is not found persuasive, because any one of the following conditions, which are separate statutory classifications of invention, separate status in the art when they are classifiable together and different fields of search, are indicia of an undue burden. In this instance the condition of separate statutory classifications of invention has been met. See MPEP 803(B) and 808.02.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected as reference 206 is referenced as the mouthpiece and reference 204 is referenced as the earpiece. Respectfully in all the mobile phones

Art Unit: 2879

that I've seen the references are reversed. The examiner suggests that you might want to change this. If that is how the applicant wants the references, then the objection is withdrawn but this appears to be an oversight. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: On paragraph 29 line 3, the examiner suggest changing "alkali earth" to - - alkaline earth - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Volk et al. U.S. Patent 6,194,119.

Art Unit: 2879

Regarding claim 17, Wolk et al. disclose an organic EL device comprising: a plurality of light-emitting areas (**col. 1 lines 9-12; Fig. 3**) above a substrate (**substrate Fig. 3 ref. 300**), each having a light emitting layer (**ALQ electron transport/emitting layer ref. 206**) provided between a first electrode layer (**anode ref. 202**) and a second electrode layer (**cathode ref. 208**) opposing thereto; and

A hole blocking layer (**col. 15 lines 19-20 and 58; col. 25 line 8**), which allows electrons but not holes to pass therethrough, in the light-emitting areas and therebetween.

Regarding claim 18, Wolk et al. disclose an organic EL device according to Claim 17, further comprising a layer composed of a material containing fluorine (**col. 15 lines 16-19, 53-54 and 56 and col. 18 line 32**) between the first electrode layer and the light-emitting layer.

Regarding claim 19, Wolk et al. disclose the organic EL device according to claim 17, wherein the first electrode layer is an anode (**anode ref. 202**) and the second electrode layer is a cathode (**cathode ref. 208**), further wherein the anode is provided with a hole injection/transport layer thereon (**col. 23 lines 47-50; TPD is a know hole injecting and hole transporting material and is dual functioning**), and the hole blocking layer comprises at least one of an alkali fluoride and an alkaline earth fluoride (**col. 15 line 58; col. 25 line 8**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolk et al. U.S. Patent 6,194,119 in view of Pichler WO 96/33516.


Regarding claim 20, Wolk et al. teach an organic EL device, the organic EL device comprising: a plurality of light-emitting areas above a substrate (**col. 1 lines 9-12; Fig. 3**), each of the light-emitting areas having a light-emitting layer (**ALQ electron transport/emitting layer ref. 206**) provided between a first electrode layer (**anode ref. 202**) and a second electrode layer (**cathode ref. 208**) opposing thereto; and in the light-emitting areas and therebetween, a hole injection/transport layer (**col. 23 lines 47-50; TPD is a known hole injecting and hole transporting material and is dual functioning**) and a hole blocking layer (**col. 15 lines 19-20 and 58; col. 25 line 8**) which allows electrons but not holes to pass therethrough, but fail to teach an electronic apparatus. Pichler in the analogous art teaches an electronic apparatus (**page 12 entire second paragraph**). Additionally, Pichler teaches incorporation of such an electronic apparatus with an organic EL device to improve the usefulness of organic EL devices, to provide high resolution displays and also end the need for absorption filters or reduce the loss from absorption filters in color liquid crystal displays (**pag 12 line 14-28**).

Consequently it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use an electronic apparatus in the organic EL device of Wolk et al. since such a modification would improve the usefulness of organic EL devices, provide high resolution displays and also end the need for absorption filters or reduce the loss from absorption filters in color liquid crystal displays as taught by Pichler.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.


Glenn Zimmerman
July 18, 2003


ASHOK PATEL
PRIMARY EXAMINER